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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/722,231	11/25/2003	Bradley R. Hammell	F-759	6693

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PITNEY BOWES INC.
35 WATERVIEW DRIVE
P.O. BOX 3000
MSC 26-22
SHELTON, CT 06484-8000

EXAMINER
OBEID, FAHD A

ART UNIT	PAPER NUMBER
3627	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/722,231	HAMMELL, BRADLEY R.
	Examiner	Art Unit	
	FAHD A. OBEID	3627	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>04 February 2008</u>.

2a) ☒ This action is **FINAL.**   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-20</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-20</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Status of the Application

1.   This is in reply to application filed on 02/04/2008.

2.   Claims 1, 4, 6-7, and 13 has been amended.

3.   Claims 16-20 have been added.

4.   Claims 1-20 are currently pending and have been examined.

The examiner acknowledges applicants amendments filed on 02/04/2008, and

therefore the previous office action's rejections with respect to the double

patenting, 101 and 112 rejections have been withdrawn.

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public
use or on sale in this country, more than one year prior to the date of application for patent in the United
States.

2.   Claims 1-3 and 5-20 are rejected under 35 U.S.C. 102(b) as being

anticipated by Williams (US 2002/0032573).

3.   <u>Regarding Claims 1, 7, and 13:</u> Williams discloses a method for a user to find
pinpoint status of a shipment being transported by a carrier, comprising the steps of:

- Clicking on a shipment pinpoint symbol on a computer screen (page 24 para
  381-382).

- Connecting automatically to an Internet or private network, if a connection is not
  already established (fig 65, page 6 para 103, page 6 para 110, and claim 17).

- Sending automatically a shipping pinpoint inquiry to the carrier via the Internet or
  private network (page 3 para 25, page 5 para 90-92, page 5 para 91, page 6
  para 110, and page 31 para 562-563).

- Requesting a pinpoint location of the shipment in response to the shipping status
  inquiry (fig 60 and fig 63).

- Receiving the requested pinpoint location of the shipment to the computer
  screen, wherein the pinpoint location identifies a position between checkpoints at
  each of which shipment presence is monitored regardless of user inquiries (fig 60
  and fig 63).

4.   <u>Regarding Claims 2 and 14:</u> Williams discloses a method of claim 1, wherein the
shipment pinpoint symbol is an icon of a file, in a markup language, including a tracking
code of the shipment (page 117).

5.   <u>Regarding Claims 3 and 15:</u> Williams discloses a method of claim 1, wherein the
shipment pinpoint symbol is provided to the computer screen in conjunction with a
shipment checkpoint symbol, and wherein the shipment checkpoint symbol is for
obtaining information as to the presence of at least one of the checkpoints (figs 62-63).

6.   <u>Regarding Claims 5 and 16:</u> Williams discloses a method of claim 1, wherein the
position is separate from all of the checkpoints (fig 62 & 63).

7.   <u>Regarding Claim 6:</u> Williams discloses a method for providing a user the status
of a shipment being transported by a carrier, comprising the steps of:

- Processing a user transaction at a web site (page 101, page 110).
- Receiving a type of shipment selection (fig 41, page 101, page 110, and page
  120).
- Creating a file that includes markup language and that includes at least one link
  to shipment tracking information (page 4 para 73, page 5 para 76, page 23 para
  379, page 29 para 534, and pages 117-118).
- Providing the file to the user for storage locally at a user device (page 24 para
  381-382, page 28 paras 495, 498, & para 501, and pages 117-118).
- Receiving a check status request from the file after the file is activated (page 28
  paras 495, 498, & para 501 and page 29 para 534).
- Providing the status to the user (fig 60-62).

8.   <u>Regarding Claim 8:</u> Williams discloses a method of claim 6, further comprising
the steps of:

- Replacing or modifying the file to create an improved file (figs 59-60, page 8 para
  143, page 30 paras 539-541, and page 30 para 544).

- Activating the improved file to check an additional status of an additional
  shipment being transported by an additional carrier (fig 63).

9.   <u>Regarding Claim 9:</u> Williams discloses a method of claim 8, wherein the step of
replacing or modifying the file is implemented at least partly by a program stored in the
user device (page 30 paras 539-541, and page 30 para 544).

10.   <u>Regarding Claim 10:</u> Williams discloses a method of claim 8, wherein the step of
replacing or modifying the file is implemented at least partly by a third party (page 30
paras 539-541, and page 30 para 544).

11.   <u>Regarding Claim 11:</u> Williams discloses a method of claim 8, wherein the step of
replacing or modifying the file is implemented at least partly by the carrier or by the
additional carrier (page 30 paras 539-541, and page 30 para 544).

12.   Regarding Claim 12: Williams discloses a method of claim 6, wherein the shipment tracking information is for a plurality of shipments being transported by a plurality of carriers (fig 63).

13.   Regarding Claim 17: Williams discloses a method of claim 9, further comprising: The program stored in the user device automatically polls additional check status requests after the status indication changes (figs 60-63 and paras 495, 498, & 501).

14.   Regarding Claim 18: Williams discloses a method of claim 17, wherein: The status indication change indicates the shipment is out for delivery (paras 187, 360, and 565).

15.   Regarding Claim 19: Williams discloses a method of claim 9, further comprising: The program stored in the user device displays a location message when a delivery vehicle is a first distance from a delivery location associated with shipment (the server will update the package status in the server database with the tracking response and will return the detailed package information to the web client of the requesting user from the system database; (see at least para 565).

16.   Regarding Claim 20: Williams discloses a method of claim 9, further comprising: The program stored in the user device is loaded as a background process after the status indication changes (notifying a recipient that a package has been sent and

providing to the recipient tracking number and link to track the package; (fig 27, para

258, and 495-497).

Claim Rejections - 35 USC § 103

17.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

18.   Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Williams (US 2002/0032573) in view of Bednarek (US 6,965,868).

19.   <u>Regarding Claims 4:</u> Williams does not explicitly disclose compensating clients

for delayed services.

However, Bednarek does disclose a method of claim 1, wherein if the step of

providing the pinpoint shipping status information to the computer screen is performed

later than a certain time after the step of sending automatically the shipping pinpoint

inquiry, due to a delay, then a user of the computer screen is compensated for the delay

(col 18 lines 43-53 and col 42 lines 6-23).

It would have been obvious to one having ordinary skill in the art at the time the

invention was made to include reimbursement for delayed services in William's online

shipping management enabled, for the advantage of customer satisfaction.

Response to Arguments

1.   Applicant's arguments have been fully considered but they are not persuasive. In particular the applicant argues that: a) a client side symbol b) tracking information c) disputing the official notice

2.   .In response to a) examiner respectfully disagrees. Applicant is reminded that claims must be given their broadest reasonable interpretation. William teaches generating an HTML hyperlink (symbol) the user can e-mail the HTML hyperlink text to someone by clicking on the link (see para 381 & 382); Also, the system generates an HTML hyperlink by executing a JAVA script routine, in order to create the link, the system places the appropriate HTML tags and text in a sequence that can be rendered by a web browser (paras 379 & 380); Moreover, a customer can click on the status icon to inquire about shipping history information (figs 12, 60); Furthermore, customers can create links where the URL will include a small iShip icon (see fig 56).

        In response to b) examiner respectfully disagrees. William teaches tracking information such as tracking results for multiple packages (shown in fig 68); Also, tracking information is stored in the iShip database where the most recent tracking information for the package will be displayed (see page 136).

        In response to c) applicant's arguments with respect to claim 4 have been considered but are moot in view of the new ground(s) of rejection.

3.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to FAHD A. OBEID whose telephone number is (571)270-

3324. The examiner can normally be reached on Monday to Friday 8:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Ryan Zeender can be reached on 571-272-6790. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Fahd A Obeid/   /F. Ryan Zeender/
Examiner, Art Unit 3627   Supervisory Patent Examiner, Art
03/12/2008   Unit 3627